

**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Onda Mexicana Radio Group, Inc.	)	File No.: EB-FIELDSCR-12-00004836
Licensee of Station WWFL	)	NOV No.: V201332700003
	)	Facility ID: 33215
Clermont, FL	)	
	)	

**NOTICE OF VIOLATION**

**Released: October 22, 2012**

By the District Director, Tampa Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules (Rules),<sup>1</sup> to Onda Mexicana Radio Group, Inc., licensee of AM Station WWFL located in Clermont, Florida. Pursuant to Section 1.89(a) of the Rules, issuance of this NOV does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.<sup>2</sup>

2. On July 31, 2012, and August 1, 2012, agents of the Enforcement Bureau’s Tampa Office observed the following violations regarding AM Station WWFL:

- a. 47 C.F.R. § 73.49: “Antenna towers having radio frequency potential at the base (series fed, folded unipole, and insulated base antennas) must be enclosed within effective locked fences or other enclosures. Ready access must be provided to each antenna tower base for meter reading and maintenance purposes at all times.” At the time of the inspections on July 31 and August 1, 2012, the protective property fence’s gate was unlocked and the individual tower fence gate was also unlocked, giving ready access to the base of the antenna tower for Station WWFL.
  
- b. 47 C.F.R. § 73.1125: “Station main studio location. (d) Relocation of the main studio may be made: (1) From one point to another within the locations described in paragraph (a) or (c) of this section, or from a point outside the locations specified in paragraph (a) or (c) to one within those locations, without specific FCC authority, but notification to the FCC in Washington

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

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shall be made promptly.” AM Station WWFL failed to notify the Commission of its current main studio location.

- c. 47 C.F.R. § 73.1590: “Equipment Performance Measurements: “(a) The licensee of each AM, FM, TV and Class A TV station ... must make equipment performance measurements for each main transmitter as follows: (6) [a]nnually, for AM stations, with not more than 14 months between measurements.” At the time of inspection on August 1, 2012, the equipment performance measurements could not be found, and there was no evidence that they had been conducted within the last 14 months.
- d. 47 C.F.R. § 73.1800(a): “The licensee of each station must maintain a station log as required by Section 73.1820. This log shall be kept by station employees competent to do so, having actual knowledge of the facts required. All entries, whether required or not by the provisions of this part, must accurately reflect the station operation. Any employee making a log entry shall sign the log, thereby attesting to the fact that the entry, or any correction or addition made thereto, is an accurate representation of what transpired.” At the time of the inspection on August 1, 2012, there was no station log for AM Station WWFL.
- e. 47 C.F.R. § 73.1870(a): “The licensee of each AM...broadcast station must designate a person to serve as the station’s chief operator...The designation of the chief operator must be in writing with a copy of the designation posted with the station license.” At the time of the inspection on August 1, 2012, there was no written designation of chief operator at the station.
- f. 47 C.F.R. § 73.3526(e)(5), (e)(12), : “*Contents of the file.* The material[s] to be retained in the public inspection file [are]... (5) *Ownership reports and related materials.* A copy of the most recent, complete ownership report filed with the FCC for the station, together with any statements filed with the FCC certifying that the current report is accurate, and together with all related material.” Copy of the most recent, complete ownership report was not available at the time of the inspection. (12) *Radio issues/programs lists.* For commercial AM and FM broadcast stations, every three months a list of programs that have provided the station’s most significant treatment of community issues during the preceding three month period. The list for each calendar quarter is to be filed by the tenth day of the succeeding calendar quarter (e.g., January 10 for the quarter October-December, April 10 for the quarter January-March, etc.). The list shall include a brief narrative describing what issues were given significant treatment and the programming that provided this treatment. The description of the programs shall include, but shall not be limited to, the time, date, duration, and title of each program in which the issue was treated.” At the time of the inspection on August 1, 2012, the issues/programs lists were not filed by quarter, and the station was missing issues/programs lists for the first and second quarters of 2012.

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3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Onda Mexicana Radio Group, Inc. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

4. In accordance with Section 1.16 of the Rules, we direct Onda Mexicana Radio Group, Inc., to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer or representative of Onda Mexicana Radio Group, Inc. with personal knowledge of the representations provided in Onda Mexicana Radio Group, Inc. response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Tampa Office  
4010 W. Boy Scout Blvd., Suite 425  
Tampa, Florida, 33607

6. This Notice shall be sent to Onda Mexicana Radio Group, Inc., at its address of record.

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<sup>3</sup> 47 U.S.C. § 308(b).

<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</sup> Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Ralph M. Barlow  
District Director  
Tampa District Office  
South Central Region  
Enforcement Bureau

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<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).